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Dec 2, 2002

By:

Melody J. Almberg

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Andrew D. Firlik *et al.*

APPLICATION No.: 09/802,808

FILED: March 8, 2001

FOR: **METHODS AND APPARATUS FOR EFFECTUATING A LASTING CHANGE IN A NEURAL-FUNCTION OF A PATIENT**

EXAMINER: Roderick D. Bradford

ART UNIT: 3762

CONF. NO: 8272

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DEC - 9 2002

TECHNOLOGY CENTER R3700

**Information Disclosure Statement Within Three Months of Application Filing or Before First Action – 37 CFR 1.97(b)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 CFR 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

☒ Copies of the following references are enclosed:

- ☒ All cited references
- ☐ References marked by asterisks
- ☐ The following:

☐ Copies of the following references can be found in parent U.S. Application No.

- ☐ All cited references
- ☐ References marked by asterisks
- ☐ The following:

☐ The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.

- ☐ All cited references
- ☐ References marked by ampersands
- ☐ The following:

3. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

No fees are believed due. However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0665.

5. Patent Term Adjustment (37 CFR 1.704(d))

- ☒ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

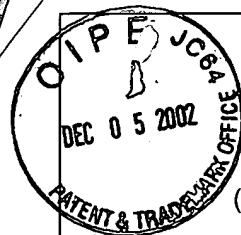
Respectfully submitted,  
Perkins Coie LLP

Date: 11/27/02

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Form PTO-1449 (Modified)  
(Use several sheets if necessary)

COMPLETE IF KNOWN

Application Number	09/802,808
Confirmation Number	8272
Filing Date	March 8, 2001
First Named Inventor	Andrew D. Firlik
Group Art Unit	3762
Examiner Name	Roderick D. Bradford
Attorney Docket No.	337348020US1

Sheet	1	of	1
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## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear
		NUMBER	Kind Code (if known)			
		6,128,538		Fischell et al.	10/03/00	

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## FOREIGN PATENT DOCUMENTS

Examiner Initial	Cite No.	Foreign Patent or Application		Name of Patent	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear	T
		Office	NUMBER				
		PCT	WO		17/08/95		
		PCT	WO		27/12/01		

OTHER

Include (book, magazine, etc.)

Examiner Initials	Cite No.	Include (book, magazine, etc.)	DOCUMENTS	T
		PCT International PCT/US02/07	(when appropriate), title of the item volume issue number(s), publisher, city	
			uroscience, Inc.	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).